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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/222,927	12/30/1998	DAVID IAN HOPPER	03384.0323-0	2492

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EXAMINER

STEVENS, ROBERTA A

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/222,927

Applicant(s)

HOPPER ET AL.

Examiner

Roberta A Stevens

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 4 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (U.S. 5859846).

Kim teaches (figure 3) a network for transporting data from an originating port (11) to a destination port (12) comprising: at least one controller (70) each controller including means for receiving data in time division multiplex format from an originating port, and means for mapping the TDM data into fixed-length packets, wherein the TDM data is written into a predetermined packet slot permanently assigned to the originating port; and a switching element connected to the one or more controllers including means for receiving the packets from the one or more controllers, and means for separately switching the data in each packet slot received from the controllers into a packet slot preassigned to the destination port.

***Claim Rejections - 35 USC § 103***

3. Claims 2, 3, 5-7, 9, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Wicklund (U.S. 6088359).

Regarding claims 2, 3, 5, 7, 9, 13 and 14, as mentioned above, Kim teaches a switching element connected to one or more controllers, an interface for receiving cells from the controllers and means for individually switching each incoming cell into outgoing cells.

Kim does not teach a server connected to the switching element.

Wicklund teaches (figure 5 and column 5-6) a server (55) connected to the Switching element including: means for determining the destination port associated with the data in each incoming packet slot based on a message transmitted from the controller to the switching element to the server. It would have been obvious to one of ordinary skill in this art to adapt to Kim's system Wicklund's concept of connecting the switch to a server to broaden the systems features in handling internet or other related data requiring servers.

Regarding claim 6, a table is inherent Wicklund's server to keep track of the data destinations.

Wicklund does not teach octet format, however it would have been obvious to one of ordinary skill in this art to use whatever format of data as desired. Octet is well known in the art.

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4. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Wicklund as applied to claim 9 above, and further in view of Chao (U.S. 5124978).

As mentioned above, Kim and Wicklund teach the limitations in claim 9.

Kim and Wicklund do not teach a multiplexer, de-multiplexer, address generator, and buffer.

Regarding claim 10, Chao teaches (figure 3A) a multiplexer (320) to multiplex the ATM cells into a single stream and a de-multiplexer (330) to de-multiplex the outgoing cells into plural streams. It would have been obvious to one of ordinary skill in this art to adapt to Kim and Wicklund's system the multiplexer and de-multiplexer of Chao to allow several streams of data to be transmitted on a single channel therefore saving resources.

Regarding claims 11 and 12, Chao (figure 11 and column 23, lines 53-67) teaches a switching element comprising a buffer (1170) and a time switch controller to sequentially write each incoming ATM cell into the buffer and for reading the cells from the buffer using read addresses supplied by the microprocessor. It would have been obvious to one of ordinary skill in this art to adapt to Kim and Wicklund's system Chao's buffer system to avoid congestion within the system.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilson (U.S. 5781547) and Irwin (U.S. 5841771) are cited to show the state of the art.

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6. Any inquiry concerning the communication or earlier communications from the examiner should be directed to Roberta Stevens whose telephone number is (703) 308-6607. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached on (703) 308-6602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314

For informal draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington, VA. Sixth Floor (Receptionist).

Roberta A. Stevens

Patent Examiner

08-09-02



ALPUS H. HSU  
PRIMARY EXAMINER